

## EXHIBIT 41

# EXHIBIT W



August 23, 2011

Tia Danielle Smith  
4011 Hubert Ave  
Los Angeles, CA 90008

Re: Borrower: Tia Danielle Smith  
T.S. No.: 1241071-14  
Loan No.: 0021796453  
Property Address: 4011 Hubert Ave, Los Angeles, CA 90008

Dear Ms. Smith:

I write to you in response to correspondence received by Cal-Western Reconveyance Corporation ("CWR"), dated July 13, 2011. Your correspondence requests information in order to validate the debt pertaining to the above-referenced loan number ("Loan") and property address ("Property"), which are currently subject to non-judicial foreclosure proceedings. Please note that this letter shall serve as only CWR's response to your correspondence.

As a preliminary matter, CWR is the substituted foreclosure trustee under the Deed of Trust for the Loan. As you should be aware, a trustee under a Deed of Trust is typically not the beneficiary, lender, or loan servicer. Such is the case here. A copy of the recorded Substitution of Trustee is enclosed for your reference. Based on the information provided to CWR by the beneficiary and loan servicer, you are in default on your obligations under the Loan because you failed to make the monthly payment that became due on November 1, 2008, and subsequent installments due thereafter. Consequently, the Loan was referred for non-judicial foreclosure.

① Your correspondence includes what you purport to constitute as a Qualified Written Request for validation of the debt under RESPA. Please be aware that the majority of such types of inquiries, specifically demands to produce accounting and loan origination documentation, are applicable only to the lender or servicer of the Loan. As the foreclosure trustee, CWR is not legally obligated under RESPA to respond to such types of inquiries. Moreover, as CWR was not involved in the origination of the Loan, CWR does not have access to the majority of information you are requesting.

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TEL: (619) 590-9200 • FAX: (619) 590-9299



However, as an accommodation to you and in order to validate the debt, enclosed please find copies of the Adjustable Rate Note ("Note"), Deed of Trust, Corporate Assignment of Deed of Trust ("Assignment"), and MERS Servicer ID screen printout for the Loan. The enclosed documents indicate that the original creditor was American Mortgage Network, Inc. ("American"), with Mortgage Electronic Registration Systems, Inc. ("MERS") as nominee for American. The Assignment indicates that the current beneficiary is Aurora Loan Services, LLC ("Aurora"). Aurora is also the current servicer of the Loan and Deutsche Bank National Trust Company Americas as Trustee ("Deutsche Bank") is the investor, pursuant to the information contained in the enclosed MERS Servicer ID screen printout<sup>1</sup>. The Note provides an original address for payments to American of P.O. Box 85302, Attn: Cashier's Dept, San Diego, CA 92186. The Deed of Trust provides an original mailing address for American of P.O. Box 85463, San Diego, CA 92186. The Deed of Trust also provides an original mailing address for MERS of P.O. Box 2026, Flint, MI 48501-2026, with a telephone number of (888) 679-MERS. The Assignment provides a mailing address for Aurora of 2617 College Park, Scottsbluff, NE 69361. The MERS Servicer ID screen printout provides a telephone number for Aurora of (308) 220-2240 and a telephone number for Deutsche Bank of (714) 247-6000. However, please note that these telephone numbers, mailing or payment addresses could have changed since the Loan was originated in November of 2006.

As the foreclosure trustee, CWR has no obligation to provide you with the original Note or verify Note holder identifications under the comprehensive statutory scheme governing non-judicial foreclosures contained in California Civil Code § 2924 et seq. It is the understanding of CWR that Aurora is either currently in possession of the original Note or has information regarding its location, although you will need to confirm this with Aurora.

Finally, with respect to your dispute of the amount owed under the Loan, please be advised that CWR incurs no liability for reliance upon information provided by the beneficiary or its servicer regarding the nature and extent of the default under the Loan. Civil Code §2924(b) specifically recognizes that a foreclosure trustee has no liability for any error in the information provided by the lender regarding the nature and amount of the default. In salient part the statute provides that:

"In performing the acts required by this article, the trustee shall incur no liability for any good faith error resulting from reliance on information provided in good faith by the beneficiary regarding the nature and the amount of the default under

<sup>1</sup> If you would like to conduct your own search on the MERS webpage for servicer information, please visit [www.MERSinc.org](http://www.MERSinc.org), click on "MERS ServicerID" and search by your MIN (MERS Identification Number), which can be found in either the upper left or right quadrant of the first page of your Deed of Trust.



the secured obligation, deed of trust or mortgage."

As a result, any dispute regarding the nature and/or amount of the default is a matter that should be addressed directly with Aurora. Further, CWR has no independent ability to confirm the validity of the information provided by Aurora nor does CWR have the independent ability to provide you with or confirm any payment history or accounting for the Loan, as CWR does not have access to this information.

In conclusion, CWR previously forwarded your correspondence to Aurora for its review and/or response. Unless prohibited by applicable state or federal law, all collection and foreclosure activity regarding the Loan will proceed as instructed by Aurora.

If you have any additional questions regarding this matter as it relates to CWR, you can contact me at the number below.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Victoria Adams'.

Victoria Adams, Esq.  
Associate Corporate Counsel  
Cal-Western Reconveyance Corporation

Enclosures